

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH EUGENE EVANS,

Plaintiff,

v.

JUDGE KATHERINE HANSON,

Defendant.

Case No. 10-12078

Honorable Nancy G. Edmunds

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ORDER OF DISMISSAL

Plaintiff filed a *pro se* complaint on May 24, 2010 against Judge Katherine Hanson complaining that she violated various Michigan Court Rules by continuing to preside over a matter pending in the 36th District Court in the State of Michigan. Plaintiff's complaint is DISMISSED for lack of subject matter jurisdiction, i.e., federal question jurisdiction (28 U.S.C. § 1331) or diversity of citizenship (28 U.S.C. § 1332). Even if this Court were to consider Plaintiff's cover sheet identifying his action as one for "Other Civil Rights," review of Plaintiff's complaint reveals no allegations supporting a claim under 42 U.S.C. § 1983. It would thus be DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted. Fed. R. Civ. P. 12(b)(6). Furthermore, even if Plaintiff's complaint contained allegations supporting a claim under 42 U.S.C. § 1983, Plaintiff's claims against the sole Defendant, Judge Katherine Hanson, would be DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted. Fed. R. Civ. P. 12(b)(6). Judges are absolutely immune from civil suits for money damages for actions taken in their

judicial capacity. *Mireles v. Waco*, 502 U.S. 9 (1991); *DePiero v. City of Macedonia*, 180 F.3d 770 (6th Cir. 1999). “This far-reaching protection is justified by a long-settled understanding that the independent and impartial exercise of judgment vital to the judiciary might be impaired by exposure to potential damages liability.” *DePiero*, 180 F.3d at 783-84. Absolute judicial immunity is overcome in only two situations: (1) when liability is based on non-judicial actions; “i.e., actions not taken in the judge’s judicial capacity,” and (2) when liability is based on actions taken in the complete absence of jurisdiction.” *Id.* at 784. Because Plaintiff does not allege facts that fall within these two situations, Judge Hanson is absolutely immune and all claims asserted against her in this matter are DISMISSED WITH PREJUDICE.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: May 26, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 26, 2010, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager